

Appl. No. 10/776,721

Attorney Docket No. 8627-451
Client Reference No. PA-5376-RFB**II. Remarks**

Claims 1-56 of the present application are pending. Claims 3 and 39 have been withdrawn, and claims 1-2, 4-38, and 40-56 have been rejected. By this paper, claims 1, 2, 6, 18, 20, 21, 24, 36, 38, 42, 54, and 56 have been amended, and claims 4, 5, 7, 17, 22, 23, 25, 35, 40, 41, 43, and 53 have been cancelled. By the amendments and remarks provided herewith, the Applicant respectfully requests reconsideration and withdrawal of all rejections and objections. Support for the amendments is found in Applicant's specification as originally filed, specifically, in Figs. 2-10 and paragraphs [0027], [0028], and [0041].

Applicant sincerely thanks Examiner Severson for the telephonic interview conducted with Applicant's representative on February 26, 2008. Applicant intends that the discussion of the claims and reference will result in an early resolution of the issues. For example, Applicant has implemented the amendments suggested by the Examiner to overcome the references cited.

Responsive to the rejections of claims 1, 2, 4, 6-8, 10, 12, 14, 17-22, 24-26, 28, 30, 32, 35-38, 40, 42-44, 46, 48, 50, and 53-56 under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S. C. § 103(a) as being obvious over, U.S. Patent No. 6,258,026 to Ravenscroft et al. (*Ravenscroft*), *Ravenscroft* fails to teach each and every element as set forth in the invention as claimed in each of the currently amended independent claims 1, 20, and 38.

For example, each of claims 1, 20, and 38 is currently amended to recite that each curved member of each primary strut has a first curved portion configured to bend away from the central axis in a single curve along the length of each curved member, and at least one secondary strut is formed of a single curve and is secured to one of the first curved portions such that the secondary strut forms a continuation of the single curve of the first curved portion of the primary strut in the expanded configuration. *Ravenscroft* fails to teach such limitation in its written description and figures. To the contrary, *Ravenscroft* does not show each arm 18 being formed of a single curve and being secured to a first curved portion of a primary strut to form an extension of the single curve of the first curved portion. Instead, *Ravenscroft's* arms

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18 are not formed of a single curve; they include two straight sections 20, 24 connected by a shoulder 22. "The outer arm sections 24 are substantially straight lengths with ends that lie on a circle at their maximum divergence and engage the wall of a vessel at a slight angle." (Col. 4, line 67 – Col. 5, line 2). Thus, *Ravenscroft* fails to teach each and every element of the invention as claimed in independent claims 1, 20, and 38.

Claims 4, 7, 17, 22, 25, 35, 40, 43, and 53 have been cancelled, and claims 2, 6, 8, 10, 12, 14, 18, 19, 21, 24, 26, 28, 30, 32, 36, 37, 42, 44, 46, 48, 50, and 54-56 depend generally from one of claims 1, 20, and 38. Thus, claims 2, 6, 8, 10, 12, 14, 18, 19, 21, 24, 26, 28, 30, 32, 36, 37, 42, 44, 46, 48, 50, and 54-56 are allowable for at least the reasons provided above.

Responsive to the rejections of claims 11, 13, 15, 16, 29, 31, 33, 34, 47, 49, 51, and 52 under 35 U.S.C. §103(a) as being unpatentable over *Ravenscroft*, *Ravenscroft* fails to teach each and every element as set forth in the invention as claimed in currently amended independent claims 1, 20, and 38. Each of claims 11, 13, 15, 16, 29, 31, 33, 34, 47, 49, 51, and 52 generally depends from one of claims 1, 20, and 38, and thus, each of these claims is allowable for at least the reasons provided above.

Responsive to the rejection of claims 1, 2, 4-38, and 40-56 under 35 U.S.C. §103(a) as being unpatentable over *Ravenscroft* in view of U.S. Patent No. 6,540,767 to Walak et al. (*Walak*), *Ravenscroft* and *Walak* fail to render independent claims 1, 20, and 38 unpatentable because these references, even in combination, fail to teach each and every element of the claimed invention.

For example, each of claims 1, 20, and 38 is currently amended to recite that each curved member of each primary strut has a first curved portion configured to bend away from the central axis in a single curve along the length of each curved member, and at least one secondary strut is formed of a single curve and is secured to one of the first curved portions such that the secondary strut forms a continuation of the single curve of the first curved portion of the primary strut in the expanded configuration. *Ravenscroft* fails to teach such limitation in its written description and figures, as stated above in further detail. *Walak* also fails to teach such limitation.

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The Examiner has stated that Figure 15 of *Walak* shows the struts of a filter being gently curved. However, Figure 15 fails to teach the limitation of a *secondary strut being connected to and contacting the curved member*. Furthermore, *Walak* fails to teach a secondary strut being formed of a single curve and being secured to the first curved portion of the primary strut to form an extension of the single curve of the first curved portion. Thus, *Ravenscroft* and *Walak*, even in combination, fail to teach each and every element of the invention as claimed in each of independent claims 1, 20, and 38.

Claims 4, 5, 7, 17, 22, 23, 25, 35, 40, 41, 43, and 53 have been cancelled, and claims 2, 6, 8-16, 18, 19, 21, 24, 26-34, 36, 37, 42, 44-52, and 54-56 depend generally from one of independent claims 1, 20, and 38. Thus, claims 2, 6, 8-16, 18, 19, 21, 24, 26-34, 36, 37, 42, 44-52, and 54-56 are allowable for at least the reasons provided above.

In addition, claims 2 and 21 are currently amended to further define over the art of record. For example, claims 2 and 21 now recite that each secondary strut contacts no primary struts other than the one primary strut that it is connected to, and each secondary strut contacts at least one other secondary strut. Both *Ravenscroft* and *Walak* fail to teach such limitation their written descriptions and figures. To the contrary, neither shows the secondary struts contacting only the one primary strut that it is connected to; rather, in *Ravenscroft*, the secondary struts contact more than one primary strut at the hub, and in *Walak*, there are no secondary struts in Fig. 15. For at least these reasons, and the reasons stated above with reference to claims 1 and 20, Applicant respectfully asserts that claims 2 and 21 are patentable over the art of record and such action is requested.

Furthermore, claim 56 is currently amended to further define over the art of record. For example, claim 56 now recites that each secondary strut is connected to a primary strut at a point about halfway between the central axis and the outer perimeter of the filter *in the expanded configuration*. Therefore, claim 56 now overcomes the Examiner's argument that *Ravenscroft* teaches each secondary strut being connected to a primary strut at a point about halfway between the central axis and an outer perimeter of the filter when the struts of *Ravenscroft* are straightened

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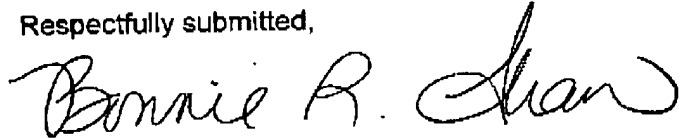
and compressed within a tube. For at least these reasons, and the reasons stated above with reference to claim 1, Applicants respectfully assert that claim 56 is patentable over the art of record.

Thus, claims 1-3, 6, 8-16, 18-21, 24, 26-34, 36-39, 42, 44-52, and 54-56 are in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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Date

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